

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior listings of claims in the application:

1-31. (CANCELED)

32. (PREVIOUSLY PRESENTED) A method to enhance fluorescence of at least one of a cyanine or indocyanine dye administrable to a patient for a photodiagnostic or phototherapeutic procedure, the method comprising:

combining the at least one cyanine or indocyanine dye and a biocompatible organic solvent at a concentration ranging from about 1% to about 50% solvent to result in a composition that is administered to a patient after the combining, wherein the fluorescence of the composition is enhanced over the fluorescence of the cyanine or indocyanine dye itself.

33. (PREVIOUSLY PRESENTED) The method of claim 32 wherein the combining comprises combining a pharmaceutically acceptable formulation of the dye and the biocompatible organic solvent at a concentration ranging from about 1% to about 50% solvent.

34. (PREVIOUSLY PRESENTED) The method of claim 32 wherein, after the combining, the dye is dissolved or suspended in the biocompatible organic solvent.

35. (CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is selected from the group consisting of dimethylsulfoxide, ethyl alcohol, isopropyl alcohol, glycerol, a polyol, hydrogenated starch hydrolysate (HSH), isomalt (palitinit), polyglycerol, maltodextrin, cyclodextrin, starches, polysaccharides, and combinations thereof.

36-44. (CANCELED)

45. (CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is dimethylsulfoxide.

46. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is ethyl alcohol.

47. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is isopropyl alcohol.

48. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is glycerol.

49. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is a polyol.

50. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is polyglycerol.

51. (WITHDRAWN – CURRENTLY AMENDED) The method of claim 32 ~~where~~ wherein the biocompatible organic solvent is selected from the group consisting of dimethylsulfoxide, ethyl alcohol, isopropyl alcohol, glycerol, a polyol, hydrogenated starch hydrolysate (HSH), isomalt (palitinit), polyglycerol, maltodextrin, starches, polysaccharides, and combinations thereof.

52. (WITHDRAWN) A method to enhance fluorescence of at least one of a cyanine or indocyanine dye administrable to a patient for a photodiagnostic or phototherapeutic procedure, the method comprising combining the at least one cyanine or indocyanine dye and a biocompatible organic solvent selected from the group consisting of dimethylsulfoxide, ethyl alcohol, isopropyl alcohol, glycerol, a polyol, hydrogenated starch hydrolysate (HSH), isomalt (palitinit), polyglycerol, maltodextrin, starches, polysaccharides, and combinations thereof at a concentration ranging from about 1% to about 50% solvent to result in a composition that is administered to a patient after the combining, wherein the fluorescence of the combination is enhanced over the fluorescence of the cyanine or indocyanine dye itself.

53. (CURRENTLY AMENDED) ~~[[A]] The method to enhance fluorescence of at least one of a cyanine or indocyanine dye administrable to a patient for a photodiagnostic or phototherapeutic procedure, the method of claim 32, wherein comprising:~~

~~combining the at least one cyanine or indocyanine dye having comprises a hydrophobic core that form forms aggregates in aqueous media, and a biocompatible organic solvent at a concentration ranging from about 1% to about 50% solvent to result in a composition, thereafter administering the combined composition to a patient, and performing the photodiagnostic or phototherapeutic procedure on the patient administered the combined composition with enhanced fluorescence of the composition over the fluorescence of the cyanine or indocyanine dye itself.~~

54. (CURRENTLY AMENDED) The method of claim ~~[[53]]~~ 32, wherein the combining comprises combining a pharmaceutically acceptable formulation of the at least one cyanine or indocyanine

dye and the biocompatible organic solvent at a concentration ranging from about 1% to about 50% solvent.

55-57. (CANCELED)